

JOHN ASHCROFT

Governor

G. TRACY MEEHAN III

Director



STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

P.O. Box 176
Jefferson City, MO 65102

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and H. i. s. t. o. r. y. P. r. e. s. e. r. v. a. t. i. o. n.

September 18 1990

Detroit Tool
MOD 981120507
wh 106
hr
9 18 90

Mr. Brad Hiles
Peper Martin Jensen
Maichel and Hetlage
24th Floor
720 Olive Street
St. Louis MO 63101-2396

RE Detroit Tool Laclede County

Dear Mr. Hiles

Please find enclosed an executed copy of the Consent Agreement. We look forward to a successful cleanup.

If you have any questions please do not hesitate to contact me at (314) 751 3176.

Sincerely

DIVISION OF ENVIRONMENTAL QUALITY

Jim Belcher Acting Chief
Superfund Section
Waste Management Program

JB JP

Enclosure

40166665



SUPERFUND RECORDS

CONSENT AGREEMENT

The parties hereto Detroit Tool Company (Detroit Tool) and the Missouri Department of Natural Resources (MDNR) stipulate and agree as follows

1 Detroit Tool owns and operates a manufacturing facility in Lebanon Missouri From an unknown date in approximately 1950 to approximately the mid- to late-1970s Detroit Tool disposed of certain wastes at its Lebanon facility In 1989 Detroit Tool conducted a voluntary self-assessment of its property and identified an undetermined amount of petroleum hydrocarbons benzene ethyl benzene toluene xylene lead trichloroethylene chromium and vinyl chloride

2 On March 1 1985 the Hazardous Waste Management Commission (HWMC) adopted regulation 10 CSR 25-10 010 Abandoned or Uncontrolled Hazardous Waste Disposal Sites allowing a responsible party to commit in writing to investigate the Site and implement an approved remedial action by signing a consent agreement with the MDNR

The MDNR and Detroit Tool by their representatives have agreed to the making of this agreement Detroit Tool neither admits nor denies any finding of fact or conclusion of law made herein concerning its alleged disposal activity However Detroit Tool agrees not to challenge these findings for purposes of this Consent Agreement and further stipulates and agrees with MDNR as follows

I PARTIES

This Agreement shall apply to and be binding upon MDNR and Detroit Tool and upon their officers directors agents employees successors and assigns and upon all persons or firms acting under or for them Detroit Tool shall provide a copy of this Consent Agreement to each contractor subcontractor laboratory and technical consultant retained to conduct any portion of the work performed pursuant to this Consent Agreement prior to that contractor s subcontractor s laboratory s or consultant s initiations of work conducted under this Consent Agreement

II DEFINITIONS

Certain terms used in this Agreement are defined as follows

A For purposes of this Consent Agreement the Site means an area owned by Detroit Tool in Lebanon Missouri and known as the Silo Area Detroit Tool disputes and has appealed the proposed listing of the Site on the Registry as defined in II-E

B MDNR means the Missouri Department of Natural Resources

C Remedial Action Plan means the MDNR-approved procedures to be followed in implementation of any remedial action at the Site and other Detroit Tool property located in Lebanon Missouri and all necessary related procedures including but not limited to safety analysis sampling handling packaging storage removal transportation labeling registration

and site security. Additional remedial actions may be necessary after completion of a remedial action dependent upon results of sample analysis or development of new information. Detroit Tool agrees to submit such a Plan to the MDNR and then once approved the remedial action plan shall be made a part of this agreement subject to the same stipulations contained herein.

D Waste Materials means any hazardous waste as currently defined in 42 U.S.C. § 6903(5) and § 260.360(9) RSMo or hazardous substance as currently defined in 42 U.S.C. § 9601(14) and § 260.500(5) RSMo or pollutant or contaminant as those terms are currently defined in 42 U.S.C. § 9601(33) and § 260.440 RSMo.

E Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites § 260.440.1 RSMo.

F The Work means the implementation of the Remedial Action Plan as approved by the MDNR in order to achieve a classification of Five (5) pursuant to 10 CSR 25-10.010 and as the same may be modified from time to time pursuant to the provisions of this Agreement.

G The Director means the Director of the Missouri Department of Natural Resources.

H For purposes of this Consent Agreement the contaminants mean total petroleum hydrocarbons, cadmium, chromium, ethylbenzene, lead, toluene, trichloroethylene, vinyl chloride and xylene.

III GENERAL PROVISIONS

A The Objectives of this Agreement

1 The objectives of the parties through entry of this Agreement are to protect the public health and the environment from releases or threatened releases of Waste Materials from the Site by investigation development design and implementation of remedial and monitoring programs by Detroit Tool

2 Remedial actions undertaken at the Site according to the terms of this Agreement shall include all necessary actions to achieve a classification of Five (5) pursuant to § 260 445 3 RSMo in order for the MDNR not to pursue listing of the Site on the Registry

3 If the MDNR determines that the remedial action has not resulted in the Site being properly closed with no evidence of present or potential adverse impact and with no further action required pursuant to § 260 445 3 RSMo the MDNR shall pursue listing of the Site on the Registry

4 Nothing in this Consent Agreement shall constitute an admission by Detroit Tool that listing of the Site on the Registry is has been or will be warranted Further Detroit Tool has appealed the proposed listing of the Site and preserved all defenses concerning possible listing of the Site

B Commitment of the Parties

1 Detroit Tool shall undertake and assure the implementation of the objectives of this Agreement

2 Detroit Tool shall submit a Remedial Action Plan to MDNR. The Remedial Action Plan will establish a schedule and specific responsibilities for completion of any site investigations and remedial action. The Remedial Action Plan shall specify the cleanup criteria for the contaminants and for additional substances identified in paragraph 1 page 1 above.

3 Detroit Tool shall obtain MDNR approval in writing before implementation of the Remedial Action Plan.

4 Detroit Tool shall complete the remedial action in accordance with the standards, specifications, and schedule of completion set forth in the Remedial Action Plan.

5 Beginning on the date of the remedial action and continuing until the work is completed, Detroit Tool shall be responsible for any release or threat of release of hazardous substances from the Site resulting from its acts or omissions in the performance of the remedial action, except that Detroit Tool shall assume no responsibility for any act or omission of third parties not connected by contract to the remedial action. Detroit Tool shall assume any and all liability arising from or relating to its acts or omissions in the performance or the implementation of the remedial action or its failure to perform fully or complete the responsibilities outlined in the Remedial Action Plan.

6 The MDNR agrees that as long as Detroit Tool is in compliance with the terms of this Consent Agreement MDNR shall not proceed to place any of Detroit Tool's Lebanon Missouri property identified by this Agreement on the Registry for the contaminants identified in this Agreement. The MDNR also agrees that as long as Detroit Tool is in compliance with the terms of this Consent Agreement MDNR will not pursue listing of the Site on the Registry.

7 Detroit Tool shall notify the MDNR with as much advance notice as possible of the scheduling of Site work or sampling activities and at a minimum of at least five (5) working days before such event.

C Compliance with Applicable Laws and Regulations

1 Subject to the provisions of IV-F the Work undertaken by Detroit Tool pursuant to this Agreement shall be done in compliance with all applicable federal, state, and local laws and regulations promulgated thereunder. Detroit Tool shall obtain or cause its contractors to obtain all permits or approvals necessary under such laws. Detroit Tool agrees to submit applications and requests in accordance with all statutory and regulatory requirements and recognizes that approval or denial of such applications or requests shall be subject solely to permit application and appeals processes established by applicable laws and regulations.

IV REPORTING AND RECORDKEEPING RETENTION AND AVAILABILITY
OF INFORMATION

A Detroit Tool shall provide written progress reports to the MDNR individual designated to receive such communications describing the actions which have been taken during the previous calendar quarter toward achieving compliance with this Agreement Reports shall be submitted within ten (10) days after the first day of each calendar quarter beginning in the first full month following the execution of this Agreement The reports shall include

- 1 The date any task was completed
- 2 An identification of any event which may cause a delay in completing any future tasks and a summary of efforts made if any to mitigate the delay
- 3 The progress made toward completing the Remedial Action Plan and the specific responsibilities outlined in it
- 4 The activities scheduled for the next calendar quarter and
- 5 The submission of data resulting from the completion of any site investigation and remedial action or any related data as requested by MDNR

B Detroit Tool shall preserve for three (3) years after completion of the Work all records documents and information relating to the performance of the Work and the removal of Waste Materials including sampling analysis chain of custody records manifests contracts trucking logs bills of lading

receipts records pertaining to traffic routing destination of Waste Materials and volume and chemical nature of such materials correspondence and other documents produced during the Work but excluding any correspondence or other documents protected by the attorney-client privilege The period of record retention is extended automatically during the course of an unresolved enforcement action regarding the regulated activity or as requested by the MDNR Detroit Tool shall not deny MDNR access to such records Detroit Tool further agrees not to deny access to MDNR any employees with knowledge of relevant facts concerning the performance of the Work for purposes of investigation or information gathering related to the Work

C Detroit Tool shall contact the MDNR in advance of the proposed disposition of any records from the file developed for this Work No files or documents concerning this Site shall be disposed of without notifying the MDNR in advance Upon notification the MDNR may require that the documents be retained by Detroit Tool for an additional reasonable period Alternatively MDNR may require that the documents be transferred to the MDNR for retention MDNR may request reimbursement for the cost of retention for the additional period Files may be retained in microfilm if the documents are suitable for microfilm copying and if the microfilm may be reproduced as an accurate hard copy version of the original Detroit Tool shall obtain MDNR approval of the process before copying or disposal

of the original documents Original documents shall be retained for those types of documents which are not capable of being completely and accurately microfilmed (such as large documents photographs or blue prints)

D The MDNR may require split sampling where appropriate of any samples required in the Remedial Action Plan Detroit Tool agrees to cooperate with representatives of the MDNR and not to deny permission to such representatives to take samples including split samples at all locations at the Site Upon request copies of the results of any such samples shall be provided to Detroit Tool All sampling and analysis shall be done pursuant to U S Environmental Protection Agency (U S EPA) or MDNR protocols and chain of custody procedures as applicable Detroit Tool shall use its best efforts to assure that before disposal of any sample by Detroit Tool MDNR shall be given thirty (30) days notice and an opportunity to take possession of such samples

E Upon completion of the Work as provided in the Remedial Action Plan Detroit Tool shall submit a certification to MDNR which states that the Work has been completed in satisfaction of the requirements and objectives of this Agreement MDNR shall review the Work and within ninety (90) days of receipt of the certification shall indicate to Detroit Tool its agreement or disagreement with the certification If MDNR believes that the Work has not been completed in accordance with the standards and specifications set out in the Remedial

Action Plan MDNR shall notify Detroit Tool in writing as to what should be done to complete the Work referencing specific portion(s) of the Remedial Action Plan and proposing a schedule of completion

F If Detroit Tool fails to comply in a timely manner with any performance date or other requirement of this Agreement and such delay is substantially caused by persons or events beyond the control of Detroit Tool such delay shall not be considered a breach of this Agreement When circumstances are occurring or have occurred which may delay the completion of any phase of Work Detroit Tool shall notify the MDNR in writing of the reason(s) for and duration of such delay and the measures taken and to be taken by Detroit Tool to prevent or minimize the delay and the timetable by which those measures will be implemented Such notice shall be sent no later than the date of the quarterly progress report next following the claimed occurrence

G If Detroit Tool and MDNR agree that a delay is or was beyond the control of Detroit Tool and upon the continuance of such delay the parties shall modify the Remedial Action Plan in accordance with X below to the extent necessary to enlarge the schedule for completion of the specific phase affected by such delay and any succeeding phase

V DISPUTE RESOLUTION

Any dispute which arises with respect to the meaning application interpretation amendment or modification of this

Agreement and the MDNR-approved Remedial Action Plan and the approved Appendices thereto their terms any plan or report required hereunder or with respect to any party's compliance herewith or any delay hereunder (including but not limited to disputes concerning the adequacy of reports or plans for implementing the Remedial Action Plan) shall in the first instance be the subject of informal negotiations. If the MDNR and Detroit Tool cannot resolve the dispute within thirty (30) days either party may request the HWMC to set the matter for a hearing to be handled as an appeal pursuant to § 260.460 RSMo. The period for negotiations may be extended by mutual agreement between Detroit Tool and the MDNR. Alternatively the dispute may be presented to the HWMC for appropriate resolution upon written notice by any party.

VI PROPERTY ACCESS

Access to the Detroit Tool Lebanon Missouri property shall be granted upon notice as provided by law for authorized employees and representatives of the MDNR. Notice will either be to Detroit Tool or by presentation of appropriate credentials at the Site. Access to the property will be solely for the purposes of implementing the Remedial Action Plan including sampling at the Site conducting investigations relating to soil and groundwater contamination at beneath or near the property and observing and monitoring the progress of the Work. In conducting such activities the MDNR shall avoid to the extent possible interference with performance of the

Work by Detroit Tool and shall to the extent possible comply with all requirements of the Safety Plan promulgated pursuant to the Remedial Action Plan

VII RESPONSIBILITIES AND AUTHORITY OF ON-SCENE COORDINATOR

MDNR shall designate authorized employees and representatives of the MDNR to act as an On-Scene Coordinator (OSC) to observe and monitor the progress of the Work. The OSC shall have the authority to order the suspension of the Work as is reasonably necessary to protect human health or the environment or to prevent a release or threatened release of waste materials at or from the property. If the OSC requires suspension of the Work, the OSC then shall have the authority to require Detroit Tool to perform the Work in a manner consistent with the MDNP-approved Remedial Action Plan also in a manner to avoid or mitigate any threat which the OSC believes may occur. Whenever feasible, the OSC shall consult with Detroit Tool before ordering such suspension of the Work. In the event that the OSC suspends the Work, the parties shall agree in writing to modifications of the Agreement in accordance with X below to the extent necessary so as to enlarge the schedule for the suspended phase or any succeeding phase by a period of time not to exceed the actual length of the suspension.

Detroit Tool shall notify the MDNR immediately upon the occurrence of any event which in Detroit Tool's judgment may threaten human health or the environment. The notice shall be followed by written modification from Detroit Tool within ten

(10) days which explains the event any action taken to eliminate the threat and the precautions to avoid recurrence of a similar event

VIII REPORTS AND PLAN REVIEW

All plans and reports submitted by Detroit Tool pursuant to this Agreement shall be subject to the written approval of the MDNR which approval shall be conditioned upon the receipt of necessary federal and state permits before any action is authorized. The MDNR shall review the report or plan and within the time period provided in the MDNR-approved Remedial Action Plan or within sixty (60) days if such review time is not otherwise specified shall indicate their approval or disapproval of the report or plan. If any plan or report is not approved Detroit Tool shall resubmit a modified report to MDNR within thirty (30) days unless the parties agree upon a shorter or longer period.

IX NOTICES

Whenever under the terms of this Agreement notice is required to be given or a report or other document is required to be forwarded by one party to another it shall be directed to the individuals at the addresses specified below unless those individuals or their successors give notice in writing to the other parties of another individual designated to receive such communications. Notice to the individuals listed below shall constitute complete satisfaction of any notice require-

ment of the Agreement with respect to MDNR the OSC (on behalf of the MDNR) and Detroit Tool respectively

Detroit Tool

Donald J McQueen P G
Vice President
Shannon & Wilson Inc
11500 Olive Blvd
Suite 276
St Louis MO 63141-7126
(314) 872-8170

MDNR

Jim Belcher Acting Chief
Superfund Section
Waste Management Program
MO Dept of Natural Resources
P O Box 176
101 Jefferson Street 13th Floor
Jefferson City MO 65102
(314) 751-3176

OSC Designated individual may vary

With copies to

David Wessell
General Manager
Detroit Tool Group
441 West Elm Street
Lebanon MO 65536

John T Russell
Detroit Tool Group
441 West Elm Street
Lebanon MO 65536

X MODIFICATION

No modification shall be made in this Agreement including but not limited to variance in the performance of the Work from the requirements set forth in the Remedial Action Plan without written notification to and written approval of the MDNR and Detroit Tool Any such amendment must be by mutual consent

XI SCHEDULE

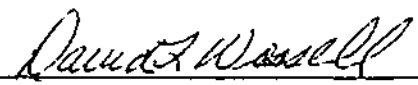
Detroit Tool agrees to submit the Remedial Action Plan to the MDNR for its review within forty-five (45) days of execution of this Agreement by the Director MDNR agrees to review

and issue comments regarding the technical merit of the Remedial Action Plan within forty-five (45) days of its receipt. Detroit Tool agrees to resolve all comments on the plan to the satisfaction of MDNR within forty-five (45) days of receipt of comments.

XII WITHDRAWAL OF LISTING

Upon successful completion of the Work that shall include all necessary actions to receive a classification of Five (5) pursuant to § 260.445.3 RSMo, the MDNR shall withdraw its proposed listing of the Site on the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites and shall confirm to Detroit Tool in writing that no further response action is required at the Detroit Tool Lebanon Missouri property. At such time this Agreement shall terminate and the provisions hereof shall have no further force or effect.

FOR DETROIT TOOL

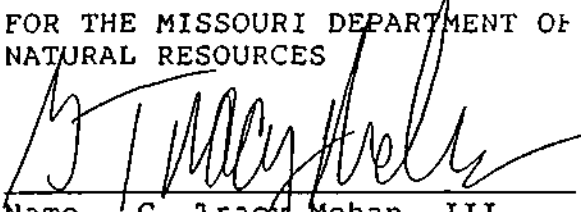


Name David Wessell
Title General Manager

8-29-90

Date

FOR THE MISSOURI DEPARTMENT OF
NATURAL RESOURCES



Name G. Tracy Mehan III
Title Director

9/11/90

Date

JOHN ASHCROFT
Governor

G TRACY MEHAN III
Director



STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES
MEMORANDUM

Don't forget to include Registry

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks Recreation
and Historic Preservation

DATE September 10 1990

TO Mr G Tracy Mehan Director Department of Natural Resources

FROM Mr David A Shorr Director Division of Environmental Quality

SUBJECT Detroit Tool - Laclede County

Attached are two copies of a Consent Agreement needing your signature. The agreement was negotiated as a result of MDNR's proposing the site for the Registry in March 1990. The site was proposed for the Registry because of the presence of hazardous wastes including petroleum hydrocarbons, benzene, ethyl benzene, toluene, xylene, lead, trichloroethylene, chromium, and vinyl chloride.

From 1956 to 1979, trenches on the site were used for the disposal of waste paint solids, as well as trash from the facility, and a lagoon was being used to contain paint overspray.

The Consent Agreement provides for the cleanup of the site in lieu of placing it on the Registry. If you concur, please sign both copies of the agreement and return them to Ms. Stacey Jones, Waste Management Program, for further processing. If you have any questions, please contact me at 751-4810 or Mr. Jim Belcher at 751-3176.

DAS jbj

Attachments

JOHN ASHCROFT
Governor

G TRACY MEHAN III
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MEMORANDUM

*Detroit - Tool
Registry
Laclede County*

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks Recreation
and Historic Preservation

DATE July 13 1990

TO Mr Stephen Jeffery General Counsel
Department of Natural Resources

FROM *[Signature]* Mr Nicholas A Di Pasquale Director
Waste Management Program DEQ

SUBJECT Detroit Tool - Registry Site Laclede County

The Detroit Tool site was proposed for the Registry in March of 1990 The owner has appealed that action and wishes to clean up the site under a Consent Agreement with the Missouri Department of Natural Resources Attached is a draft Consent Agreement provided by their attorney

Please review the draft and provide any comments you have to Mr Jim Belcher of my staff at 751-2919

Thank you for your assistance

NAD jbh

Attachment

JOHN ASHCROFT
Governor

G TRACY MEHAN III
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

P.O. Box 176
Jefferson City MO 65102

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation
and Historic Preservation

April 10 1990

Mr Bradley S Hiles
Peper Martin Jensen
Maichel and Hetlage
Twenty-Fourth Floor
720 Olive Street
St Louis MO 63101-2396

Dear Mr Hiles

RE Detroit Tool Site (Silo Area) - Laclede County

We have received the appeal submitted on behalf of the Detroit Tool Companies in the matter of the Registry proposal. It was received within the thirty day appeal period and is therefore considered to be a valid appeal.

It is the position of the Missouri Department of Natural Resources (MDNR) that the Detroit Tool Silo Area does in fact meet the definition of an abandoned or uncontrolled hazardous waste disposal site because hazardous wastes were disposed of at the site prior to regulation. As you are aware the term "disposal" includes the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or onto any land or water. We do not contend that a hazardous waste was released from the site--only that a hazardous waste was released and disposed of at the site.

It has been the policy of the MDNR to propose the entire legal description included in the site owner's Warranty Deed for the Registry. The department realizes these descriptions are often overreaching; however, the regulations do not provide procedures or resources for implementing site specific surveys for each site prior to Registry proposal. As we have discussed, the department will be willing to work with Detroit Tool in determining a more specific legal description relevant to the Silo area.

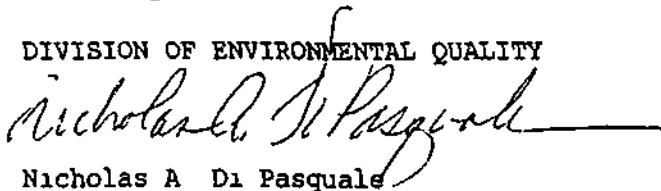
It is the department's understanding that Detroit Tool is committed and wishes to continue their investigations of the site and implement a cleanup plan pursuant to a consent agreement to be negotiated. Toward that end, please find enclosed a draft consent agreement. We are willing to review and respond to suggested changes to the draft until June 6, 1990. If at that time we have not reached an agreement, we will pursue registration of the site by requesting the Hazardous Waste Management Commission to refer the matter to a hearing officer.

Letter to Mr Bradley S Hiles
April 10 1990
Page Two

As you may also be aware we are required to present all Registry appeals to the Hazardous Waste Management Commission within ninety days of receipt of the appeal. They are then to determine whether to convene a hearing refer the matter to a hearing officer or determine not to hold a hearing. We do not believe a hearing is necessary since your client wishes to clean up the site and avoid registration. We intend to make such a recommendation to the commission provided that we continue to move toward cleanup of the site. If you have questions or wish to discuss the matter please do not hesitate to contact me at (314) 751-2747 or Mr Jim Belcher at (314) 751-2919.

Sincerely

DIVISION OF ENVIRONMENTAL QUALITY

A handwritten signature in dark ink, appearing to read "Nicholas A. Di Pasquale", with a horizontal line extending to the right.

Nicholas A Di Pasquale
Director
Waste Management Program

NAD kxj

cc Mr David Wessell Manager Detroit Tool

SUI E 1200
1875 E S RE NW
WASHINGTON DC 20008 5475
(202) 728 0377
TELECO Y (202) 728 0375

200 N WOOD RIVER A ENVE
WOOD RIVER ILLINOIS 62095 1889
(618) 251 4983

RECEIVED

MAR 23 1990

Hazardous Waste
Management Commission

CERTIFIED MAIL

G Tracy Mehan III, Director
Missouri Department of Natural Resources
P O Box 176
Jefferson City, Missouri 65102

Re Notice of Appeal of Proposed Missouri Registry Listing
of Detroit Tool, Silo Area, Laclede County, Missouri

Dear Mr Mehan

My firm represents the Detroit Tool Companies ("Detroit Tool") of Lebanon, Missouri which received, on March 13, 1990, your letter dated February 27, 1990 proposing to list the company's "Silo Area" on the Missouri Registry of Abandoned or Uncontrolled Hazardous Waste Sites ("the Registry") This letter is a Notice of Appeal with respect to your proposal

Pursuant to §260.460 RSMo and 10 CSR 25-10.010, Detroit Tool, as an owner and operator, hereby appeals to you to delete or remove the Detroit Tool Silo Area site in Laclede County, Missouri, from the listing or proposed listing on the Registry, for the following reasons

1 The Detroit Tool site is not an appropriate candidate for the Registry because it is not an "abandoned or uncontrolled" hazardous waste site within the appropriate statutory or regulatory description (including but not limited to the fact that it is not causing irreversible or irreparable damage to the public health or environment, it does not present a significant threat to the environment and it does not present a significant threat to the public health or environment)

PER MARTIN JENSEN MAICHEL AND HETLAGL
ATTORNEYS AT LAW
TWENTY FOURTH FLOOR
720 OLIVE STREET
ST LOUIS MISSOURI 63101 2386

(314) 421 3850
TELEX 434257
TELECOPY (314) 621 4834

W ITERS DI ECT DI NUM E

(314) 444-6489

5F-70-14
Detroit Tool
Laclede
SUITE 800
2000 M I S EE
FORT MYERS FLORIDA 33901 0050
(813) 337 3850
TELECO Y (813) 337 0870

SUITE 2
1825 WEST MARION A ENVE
PUNTA GORDA FLORIDA 33950 5285
(813) 637 1955
TELECO (813) 637 8485

3-22-90

PEPER MARTIN JENSEN MAICHEL AND HETLAGE

G Tracy Mehan III, Director
March 19, 1990
Page 2

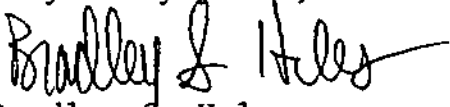
2 It is not clear that the Detroit Tool site identified in the Department's letter dated February 27, 1990, is property "where hazardous waste has been illegally disposed of or where hazardous waste was disposed of prior to regulation under §§260 350-260 430 "

3 It does not appear that there has been a release of hazardous waste from the Detroit Tool site identified in the aforementioned letter

4 The identification of the Detroit Tool site set forth in the legal description contained in the Department's letter dated February 27, 1990, is overreaching and inaccurate, in that it does not contain the correct legal description of the relevant Silo Area property but, rather, includes the entire plant site without any factual or legal justification

On behalf of Detroit Tool, I also respectfully request a hearing on these issues before the Missouri Hazardous Waste Management Commission. In the meantime, Detroit Tool has authorized me to advise you that they are committed to continue to investigate the site, and to continue our ongoing negotiations with the Department leading to a consent agreement designed to implement a remediation plan acceptable to both the Department and Detroit Tool. We would like to expedite this process as quickly as possible. Please advise me if you have any questions.

Very truly yours,


Bradley S Hiles

BSH lms

cc James Belcher, Acting Chief,
Superfund Section, MDNR
Nicholas DiPasquale, Director,
Waste Management Program, MDR
Nicholas C Gladding, Esq
Mr David Wessell
Senator John T Russell

REGISTRY ISSUE

Site Name Detroit Tool - Silo Area (Please see attached sheet)

Site Address 100 Carr Street, Lebanon, Missouri, Laclede County

Owner's Name Detroit Tool Group

Owner's Address 441 East Elm, Lebanon, Missouri 65536

Contaminants Identified Heavy Metals and Organics

Process through which contaminants were identified Owner's preacquisition
site assessment

Date Proposed for Registry 03/12/90

Date Appeal Received 03/22/90

Date of MDNR's Response to Appeal 04/10/90

Status of discussions or negotiations Currently, Detroit Tool and the
MDNR are negotiating a Consent Agreement for cleanup of the site
Negotiations are progressing in a positive manner

_____ Action by the Hazardous Waste Management Commission
not required

MDNR's Recommendations

X No hearing necessary at this time

_____ Refer the matter to a hearing officer

_____ Hazardous Waste Management Commission convene a hearing

DETROIT TOOL -SILO AREA
SUMMARY SHEET

The Detroit Tool facility located in Lebanon Missouri is a metal products manufacturing facility. Manufacturing operations are currently ongoing and have been in progress since the late 1950's. These operations include metal cutting, stamping, and painting and assembly of various metal products. Waste disposal practices associated with these processes have resulted in contamination at the site.

Pursuant to a 1989 environmental assessment conducted by the owners of the facility, it was discovered several contaminants were present on Detroit Tool's property. A specific area referred to as the "silo area" (trenches of disposed waste) has significant levels of contamination.

The silo area, roughly 2-3 acres in size, is contaminated with both heavy metals and organics. Trichloroethylene (TCE) has been detected in the perched groundwater at a level of 120 ppb. The maximum contaminant level (MCL) for TCE promulgated by the Safe Drinking Water Act (SDWA) is 5 ppb. Vinyl chloride has been detected in the groundwater at 11 ppb. The MCL for vinyl chloride as established by the SDWA is 2 ppb. Prior to 1980, Detroit Tool utilized the silo area for the disposal of paint sludge generated at the facility. Analysis of the sludge taken from the silo area has revealed concentrations of total cadmium as high as 14,000 ppm, total lead--5,800 ppm, (total) chromium--970 ppm, and (total) selenium--1,600 ppm. Today, this same paint sludge waste stream is managed by Detroit Tool as a RCRA hazardous waste due to the waste's EP toxic and ignitable characteristics.

Detroit Tool has conducted extensive pre-remedial site characterization studies and has submitted a workplan for remediation of the site. The workplan has been submitted pursuant to their commitment to enter into a Consent Agreement with the department.

JOHN ASHCROFT
Governor

G TRACY MEHAN III
Director



STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES
MEMORANDUM

Detroit Tool
429 - 1
Luckman Co

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation
and Historic Preservation

DATE February 23 1990

TO Mr G Tracy Mehan III Director Department of Natural Resources

FROM Mr John A Young Acting Director Division of Environmental Quality

SUBJECT Registry Proposal--Detroit Tool Lebanon Missouri

During a 1989 environmental assessment pursuant to the sale of the Detroit Tool facility it was discovered that several contaminants were present on Detroit Tool's property. Areas suspected of past waste activity were investigated by Detroit Tool. One specific area known as the "silo area" has revealed significant levels of contamination. We are proposing this "silo area" for the Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri. The "silo area" encompasses roughly 2-3 acres.

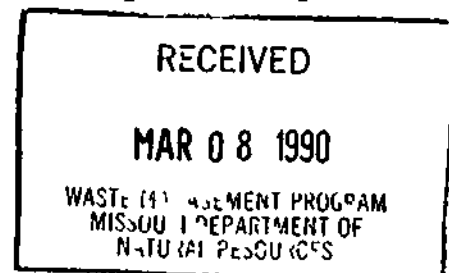
The silo area is contaminated with both heavy metals and organics. Trichloroethylene (TCE) has been detected in the perched groundwater at a level of 120 ppb. The maximum contaminant level (MCL) for TCE promulgated by the Safe Drinking Water Act (SDWA) is 5 ppb. Vinyl chloride has been detected in the groundwater at 11 ppb. The MCL for vinyl chloride as established by the SDWA is 2 ppb. Prior to 1980, Detroit Tool utilized the "silo area" for the disposal of paint sludge generated at the facility. Analysis of the sludge taken from the "silo area" has revealed concentrations of total cadmium as high as 14,000 ppm, total lead--5,800 ppm (total) chromium--970 ppm and (total) selenium--1,600 ppm. Today, this same paint sludge waste stream is managed by Detroit Tool as a RCRA hazardous waste due to the waste's EP toxic and ignitable characteristics.

On February 14, 1990, a meeting occurred involving representatives of the Missouri Department of Natural Resources and Detroit Tool. Their pre-remedial activities were the focus of the meeting. However, the subject of the Registry was also discussed, and the owners and representatives of Detroit Tool are expecting the site to be proposed for the Registry. While pre-remedial activities have been implemented, no remedial action has occurred.

If you concur with the proposed Registry action, please sign the attached letter and return it to Ms. Stacey Jones of the Waste Management Program (WMP) for mailing. Please contact Mr. Kevin Kelly of the WMP if you have any questions regarding this matter.

JAY kkp

Attachment



JOHN ASHCROFT
Governor

G TRACY MEHAN III
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE DIRECTOR

P.O. Box 176
Jefferson City MO 65102
314 751-4422

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation
and Historic Preservation

February 27, 1990

CERTIFIED MAIL - P 711 564 270

Mr David Wessell
General Manager
Detroit Tool Group
441 W Elm St
Lebanon MO 65536

Dear Mr Wessell

RE Proposal for the Registry - Detroit Tool, Silo Area,
Laclede County

Because many Missourians have unknowingly purchased property in or around areas where hazardous wastes are located, the Missouri General Assembly, by passage of the state Superfund Law as an amendment to the Missouri Hazardous Waste Management Law, has directed the Missouri Department of Natural Resources to develop and maintain a registry of confirmed abandoned or uncontrolled hazardous waste sites. The Superfund Law (Section 260.455, RSMo 1986) directs the department to notify all property owners, who hold any part of a hazardous waste site, of its intention to place that property on the registry. This letter serves as notice that the department intends to place your property on the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites.

The listing of this property on the Registry may be appealed by submitting such a request in writing to the staff director. This appeal is available under 10 CSR 25-10.010(1)(A)1, and must be postmarked within 30 days of receipt of this notification. There is also an opportunity for a responsible party cleanup under 10 CSR 25-10.010(3). In some instances, the area of the property to be placed on the Registry may be reduced by performing a survey of the site according to certain requirements which are available from the department.

When the director places a site on the Registry, the department is required to file with the County Recorder of Deeds the period in which the property was used as a hazardous waste disposal area. When the director finds that a site on the Registry has been properly cleaned up or closed with no evidence of potential adverse environmental impact, he shall file this finding with the County Recorder of Deeds.

Mr David Wessell
February 27, 1990
Page Two

Enclosed is a copy of the rules governing abandoned or uncontrolled hazardous waste disposal sites. These outline all the procedures for the registration and appeal process.

The wastes which were illegally disposed of at the site were organics and heavy metals.

The legal description of the property being proposed for registration is: Commencing at the Southeast corner of Section 10, Township 34, Range 16, thence along the East line of Section 10 North 0 degrees 32 minutes East 612 17 feet, thence North 85 degrees 57 minutes West 240 25 feet, thence North 0 degrees 32 minutes 57 seconds East 228 15 feet, thence North 86 degrees 16 minutes 20 seconds West 340 80 feet for a point of beginning, thence South 0 degrees 32 minutes 38 seconds West 212 58 feet, thence North 89 degrees 02 minutes 45 seconds West 247 66 feet, thence South 0 degrees 57 minutes 15 seconds West 167 33 feet, thence North 89 degrees 02 minutes 45 seconds West 135 00 feet, thence South 0 degrees 57 minutes 15 seconds West 50 00 feet, thence South 81 degrees 57 minutes West 59 59 feet to the North right of way of Carr Road and a curve to the right with a radius of 638 11 feet and chord bearing and distance of South 77 degrees 21 minutes 10 seconds West 61 61 feet, thence along said right of way and curve 61 63 feet to the West right of way of Carr Road, thence along said right of way South 0 degrees 32 minutes West 135 14 feet to the North right of way of Bethel Road, thence along said right of way South 65 degrees 58 minutes 32 seconds West 120 69 feet, thence North 55 degrees 57 minutes 14 seconds West 320 00 feet to the South right of way of a railroad spur line, thence along said right of way North 89 degrees 01 minutes 38 seconds West 79 00 feet, thence North 1 degree 11 minutes East 513 74 feet, thence North 86 degrees 34 minutes West 53 05 feet to the Southeast right of way of the Burlington Northern (Frisco) Railroad and a curve to the left with a radius of 5960 16 feet and a chord bearing and distance of North 48 degrees 07 minutes 13 seconds East 189 06 feet, thence along said right of way and curve 189 09 feet, thence continuing along said right of way North 47 degrees 12 minutes 40 seconds East 1024 91 feet, thence South 42 degrees 47 minutes East 244 49 feet, thence South 38 degrees 24 minutes 40 seconds East 65 94 feet to the Southwest right of way of True Street, thence along said right of way South 44 degrees 43 minutes East 21 85 feet to a curve to the left with a radius of 125 00 feet and a chord bearing and distance of South 66 degrees 26 minutes and 08 seconds East 92 98 feet, thence along said curve 95 69 feet, thence continuing along said right of way South 88 degrees 24 minutes 40 seconds East 54 80 feet, thence South 38 degrees 06 minutes 08 seconds West 441 51 feet, thence South 0 degrees 32 minutes 38 seconds West 307 40 feet to the point of beginning. said parcel contains 22 39 acres, less rights of way and easements of record.

Mr David W. Russell
February 27, 1990
Page Three

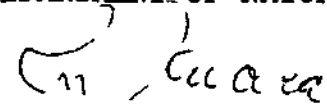
AND

A tract of land in Section 10, Township 34, Range 16, Laclede County, Missouri, commencing at the Southeast corner of Section 10, Township 34, Range 16 thence North 0 degrees 32 minutes East 613 25 feet thence North 85 degrees 58 minutes 40 seconds West 841 98 feet for a point of beginning, thence North 4 degrees 01 minutes 20 seconds East 183 4 feet thence North 85 degrees 58 minutes 40 seconds West 183 02 feet, thence South 4 degrees 01 minutes 20 seconds West 183 4 feet thence South 85 degrees 58 minutes 40 seconds East 183 02 feet to the point of beginning

If you have questions concerning this notification, please do not hesitate to contact this office

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES


G Tracy Mehan, III
Director

GTM kkp

Enclosure

cc Mr John Nixon, R A , Southwest Regional Office
Mr Bradley S Hiles, Detroit Tool Group, General Counsel
Ms June Sullens, MDNR

.



Missouri Department of

HEALTH

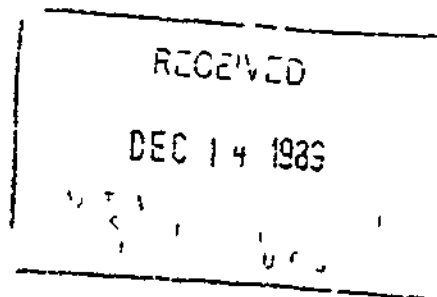
John Ashcroft
Governor

Robert Harmon M.D.
Director

P O Box 570 Jefferson City MO 65102 314/751 6400 FAX 314/751 6010

December 12 1989

Mr Nicholas A Di Pasquale
Director
Waster Management Program
Missouri Department of Natural Resources
Division of Environmental Quality
P O Box 176
Jefferson City Missouri 65102



Dear Mr Di Pasquale

Enclosed is a copy of the Detroit Tool Site Clean up Assessment as requested. If you have any questions or concerns please contact Kathy Allen of my staff at 751 6102

Sincerely

Daryl W Roberts
Chief
Bureau of Environmental Epidemiology

DWR KA jhk

Enclosure

Clean up Assessment
Detroit Tool Site
Lebanon Missouri
1989

The Detroit Tool Site is located in Lebanon Laclede County Missouri. The main manufacturing facility is located at 100 Carr Street. Soil and water from eight areas at the site were sampled by a private consulting firm. Specifically these areas are the Railroad pond the "silo" area the Bishop Building underground storage tanks the lagoon area the haystack area the drum storage area the heat treat shop underground storage tanks and the backfill area. Background samples were also taken.

Only the silo and lagoon areas were found to have concentrations of chemicals above our recommended any use levels. Four silos are thought to be located at this site. These silos are actually trenches which were used from 1956 to 1979 to contain waste paint solids (in drums and in bulk) and trash from the facility. Periodically the material in the silos was burned. The trenches have been backfilled. Ten soil borings were drilled for this sampling four of the borings contained water which was also sampled. Paint sludge from the area was also tested.

The lagoon area is the former site of an impoundment which was used from 1956 to 1985 to contain wastewater from a paint overspray capture system. The lagoon has been backfilled and is currently covered with gravel and used for truck loading and trailer storage. Six soil borings were drilled for sampling one boring contained water which was also sampled.

Several contaminants were found at levels of human health concern in the silo area. One soil sample from boring well four (bw 4) had an Aroclor 1254 (PCB) level of 2.4 parts per million (ppm) which is above the recommended safe soil level for this chemical. Sampling of paint sludge at the site showed amounts of cadmium (14,000 ppm) chromium (970 ppm) lead (5,800 ppm) and selenium (1,600 ppm) at levels above our recommended safe soil/sludge levels. Water samples from boring well 4 contained levels of lead (110 ppm) Trichloroethylene (120 ppm) and vinyl chloride (0.11 ppm) above recommended safe water levels. The level of trans 1,2 dichloroethylene (0.66 ppm) approaches the recommended safe level.

In the lagoon area a water sample from boring well two (bw 2) contained a level of lead (090 ppm) above the recommended safe level See chart which begins on page 3 for levels of all chemicals found in the samples of the site as well as our recommended safe any use levels

It should be noted that our recommended safe drinking water levels assume seventy years exposure and an average daily intake of two liters of water per day Most of these levels are EPA Lifetime Health Advisories or EPA Maximum Contaminant Levels (MCLs) The recommended soil levels assume a soil ingestion rate of 00014 kilograms per day and were derived from risk reference doses cancer potency factors or safe drinking water levels Therefore we can assume these levels to be safe for any use

At present soil ingestion as a route of exposure is not of major concern due to low human contact with the soil at this industrial site As long as soil disturbance is restricted and excessive dust is not being released from the site occurrence of soil ingestion would be expected to be minimal

Soil levels are of concern due to the potential leaching of the chemicals into the groundwater on site and traveling off site to contaminate possible drinking water sources and because in the future this site's use may change in a way that could expose persons to the contaminants through inhalation or ingestion Due to the elevated concentration of metals in the paint sludge and water PCBs in the soil and volatile organic chemicals in the groundwater it is recommended that the silo area and lagoon area be cleaned up The fact that these chemicals on site have not been found off site does not negate the potential for pollution of nearby groundwater

CONTAMINANT	HIGHEST LEVEL FOUND AT THE SITE (PPM)		DOH RECOMMENDED SAFE ANY USE THE SITE (PPM)		HEALTH EFFECTS POSSIBLE ABOVE RECOMMENDED LEVEL
	WATER	SOIL	WATER	SOIL	
ACETONE	0.071	2.20	ND	ND	EYE NOSE THROAT IRRITANT HEADACHES DIZZINESS DERMATITIS
ANTIMONY	ND	14		40	NAUSEA HEADACHE SLEEPLESSNESS LOSS OF APPETITE DIZZINESS LIVER & KIDNEY DEGENERATION
AROCOR 1254	ND	✓ 2.400		0.649	PROBABLE CARCINOGEN REPRODUCTIVE EFFECTS DERMAL DAMAGE LIVER DAMAGE
ARSENIC	0.019	4.9	0.030	100	CARCINOGEN GI DISTURBANCES SKIN HAIR DAMAGE
BARIUM	ND	0.12		5.100	CNS DEPRESSANT HEART ARRHYTHMIAS
BENZENE	ND	0.052		71.4	CNS DEPRESSANT SKIN EYE LUNG IRRITANT CARCINOGEN
BENZO[B]FLUORANTHENE	ND	0.6		ND	ANIMAL CARCINOGEN
BERYLLIUM	ND	0.31		2.86	ANIMAL CARCINOGEN POSSIBLE HUMAN CARCINOGEN RESPIRATORY SYMPTOMS WEAKNESS FATIGUE WEIGHT LOSS
BIS(2 ETHYLHEXYL)PHTHALATE	ND	140		429	ANIMAL CARCINOGEN SUSPECTED HUMAN CARCINOGEN LUNG DAMAGE GI DISORDERS SUSPECTED TERATOGEN
BUTANONE (2)	ND	1.50		2857	IRRITATION OF EYES & NOSE HEADACHES DIZZINESS VOMITING
BUTYLBENZYLPHTHALATE	ND	79		2000	CNS DEPRESSANT EXPERIMENTAL CARCINOGENIC AND REPRODUCTIVE EFFECTS
CADMIUM	ND	✓ 14.000		50	ATTACKS KIDNEY PROSTATE POSSIBLE CARCINOGEN LIVER CIRRHOSIS
CARBON TETRACHLORIDE	ND	0.036		38.5	ANIMAL CARCINOGEN PROBABLE HUMAN CARCINOGEN DERMATITIS EYE IRRITANT LIVER DAMAGE LUNG DAMAGE
CHLORDANE	ND	0.620		3.85	ANIMAL CARCINOGEN PROBABLE HUMAN CARCINOGEN
CHLOROFORM	ND	0.008		829	PROBABLE CARCINOGEN HEPATIC RENAL DAMAGE CNS DEPRESSANT
CHROMIUM	0.060	✓ 970*	0.100	500	LIVER, KIDNEY DAMAGE IRRITANT TO SKIN EYES NOSE & THROAT
COPPER	0.090	210	1.30	18.571	GI DISTURBANCES HEMORRHAGIC GASTRITIS
DI-N-BUTYLPHTHALATE	ND	>1500		10.000	IRRITATION OF NASAL PASSAGES AND UPPER RESPIRATORY SYSTEM STOMACH IRRITATION LIGHT SENSITIVITY
DIELDRIN	ND	0.026		0.314	SUBSTANTIAL RISK OF CANCER TO HUMANS

ABOVE RECOMMENDED LEVEL

ND NO DATA AVAILABLE OR INSUFFICIENT DATA

CONTAMINANT	HIGHEST LEVEL FOUND AT THE SITE (PPM)		DOH RECOMMENDED SAFE ANY USE THE SITE (PPM)		HEALTH EFFECTS POSSIBLE ABOVE RECOMMENDED LEVEL
	WATER	SOIL	WATER	SOIL	
ETHYLBENZENE	ND	420		10 000	RENAL HEPATIC DISORDERS CHRONIC RESPIRATORY AND DERMAL DAMAGE
FLUORANTHENE	ND	0 6		ND	ANIMAL COCARCINOGEN
LEAD	✓ 0 110*	5800	✓ 0 50	238	CNS GINGIVAL TISSUE DAMAGE KIDNEY BLOOD GI TRACT CHANGES
MERCURY	ND	0 1		30	WEAKNESS LOSS OF APPETITE WEIGHT GI DISTURBANCES INSOMNIA
METHYL ISOBUTYL KETONE	22	ND	ND		IRRITATION OF EYE AND MUCOUS MEMBRANES HEADACHES NARCOSIS COMA DERMATITIS
METHYLENE CHLORIDE	ND	0 042		27	POTENTIAL CARCINOGEN DERMATITIS CNS DEPRESSED
METHYLNAPHTHALENE (2)	ND	0 9		ND	NO DATA
NAPHTHALENE	ND	80		41 000	PRIMARY IRRITANT HEMOLYSIS HEADACHE NAUSEA IRRITATION OF BLADDER
NICKEL	ND	28		2 000	ANIMAL CARCINOGEN PROBABLE HUMAN CARCINOGEN SKIN IRRITANT
PHENOLS	ND	1 2		60 000	CORROSIVE TO ANY TISSUE GI DISTURBANCE LIVER AND KIDNEY DAMAGE
SELENIUM	ND	1600* ✓		300	PALLOR LASSITUDE IRRITABILITY GIDDINESS INDIGESTION POSSIBLE TRACE ELEMENT FOR MEN
SILVER	ND	0 07		300	ARGYRIA PERMANENT ASHEN GRAY COLORATION OF SKIN CONJUNCTIVAE INTERNAL ORGANS
TOLUENE	ND	8 4		28 571	CNS DEPRESSANT LIVER KIDNEY DAMAGE
TRANS 1 2 DICHLOROETHENE	0 066	0 011	0 070	1000	SKIN IRRITANT CNS DEPRESSANT DIZZINESS TRANSIENT RENAL EFFECTS
TETRACHLOROETHYLENE	ND	0 130		98 6	CNS EFFECTS POSSIBLE KIDNEY LIVER EFFECTS PROBABLE HUMAN CARCINOGEN
TRICHLOROETHYLENE	✓ 0 120*	0 230	0 005	70	CNS DEPRESSANT ANIMAL CARCINOGEN PROBABLE HUMAN CARCINOGEN GI TRACT CHANGES
VINYL CHLORIDE	✓ 0 011	ND	0 002		HUMAN CARCINOGEN, CNS DEPRESSION NAUSEA
XYLENE	ND	2 800		200 000	IRRITANT TO EYES & EARS CNS DEPRESSION DIZZINESS NAUSEA, PULMONARY EDEMA
ZINC	0 190	13 000	ND	ND	SKIN SENSITIZATION LUNG IRRITANT NAUSEA

ABOVE RECOMMENDED LEVEL

ND NO DATA AVAILABLE OR INSUFFICIENT DATA

GREENSFELDER HEMKER & GALE PC

ATTORNEYS AT LAW

1800 EQUITABLE BUILDING
10 SOUTH BROADWAY
ST LOUIS MISSOURI 63102 1774

TELEPHONE (314) 241 9090
TELEFAX (314) 241 8624

*File Detroit Tool
Registry*

August 18, 1992

Mr Larry Erickson
Missouri Department of Natural Resources
Waste Management Division
P O Box 176
Jefferson City, MO 65102

Dear Larry

When we met in early July regarding the Detroit Tool project, we advised you that negotiations were taking place for the possible purchase of the shares of Detroit Tool by the Harbour Group Industries, Inc. The Harbour Group has now completed the transaction for the purchase of the shares. As a result, neither Nick Gladding, Senator John Russell nor any of the former shareholders should have any further involvement with this project. This transaction should not have any impact on the clean-up of the site, but we thought it would be appropriate to advise you of the change.

Very truly yours,

GREENSFELDER, HEMKER & GALE, P C

By

Dale E Hermeling
Dale E Hermeling

DEH/mrh
2895/124

cc Joseph D Lehrer, Esq
Mr Steve Gore

*Detroit Tool
Re: L. L. L.
Lachelle*

PER MARTIN JENSEN MAICHEL AND HETLAG

ATTORNEYS AT LAW

TWENTY FOURTH FLOOR

720 OLIVE STREET

ST LOUIS MISSOURI 63101 2096

(314) 421 3850

TELEX 434257

TELECOPY (314) 621 4834

WRITE S DIRECT DIAL NUMBER

(314) 444-6489

S I E 1200
1975 E E S E E NW
WASHINGTON DC 20006 5475
(202) 728 0377
TELECOPY (202) 728 0375

200 N WOOD R A ENUE
WOOD RIVER ILLINOIS 62095 1989
(816) 251 4963

SUI E 600
000 M IN STREET
FORT MYERS FLORIDA 33901 3050
(813) 337 3850
TELECO (813) 337 0970

SUITE 2
1025 WEST MAR A ENUE
PUNTA GORDA FLORIDA 33950 5295
(813) 837 1855
TELECOF (813) 837 8485

February 20, 1990

Mr Jim Belcher
Acting Superfund Section Chief
Missouri Department of Natural
Resources
P O Box 176
Jefferson City, Missouri 65102

Re Detroit Tool Metal Products Company

Dear Jim

This letter will confirm the points of discussion in our meeting of February 14 in your offices. Before delving into the details, let me again thank you for taking the time to meet with us to discuss cleanup efforts at the Detroit Tool Company. We look forward to working with you and other agency officials to undertake remediation efforts at Detroit Tool as promptly as possible.

As I mentioned at the outset of our meeting, it is Detroit Tool's intention to develop a Workplan as swiftly as possible. The Workplan we submit to you will set out levels for cleanup objectives. We have retained Shannon & Wilson to assist us in preparing the Workplan. Don McQueen will be leading Shannon & Wilson's efforts. We anticipate having Shannon & Wilson assist also in the selection of remediation contractor, oversight of a remediation activity and sampling at the site.

In the railroad pond area, Detroit Tool intends to develop BW-8, as requested by Jim Fels and Keith Scnardein. Don McQueen has conferred with Jim Fels today, and the two of them have devised a protocol for the development of that well. We intend to undertake the development of BW-8 next week.

Any further testing from BW-8, other wells, and other areas in the site, will be done while undertaking site remediation.

EPER MARTIN JENSEN MAICHEL AND HETLAGE

Mr Jim Belcher
February 20, 1990
Page Two

Further, we agreed that testing will be done for chemicals of concern as those have been identified in the extensive site characterization done to date. We agreed that testing for priority pollutants is not necessary, since that work has already been undertaken.

In the lagoon area, we have agreed to utilize BW-2 to reaffirm the levels of TPH and BTEX. If BTEX levels are below the MCL, we would anticipate working with the lab services program to determine if action is necessary concerning TPH concentrations.

In his December 26 letter, Keith Schardein requested our analysis as to whether F-listed hazardous waste might be present at various locations. Based upon an investigation conducted by our consultant, we have determined that there is no F-listed hazardous waste in the railroad pond, the lagoon, the ray stack, the drum storage area, either of the UST areas, or the backfill area. As we reported during our meeting, the Company had a vapor degreasing operation for approximately four years in the mid-1960s. Detroit Tool utilized only two drums of solvent in its degreasing operation. Most of that solvent would have been lost through evaporation or through the normal operation of the degreaser, leaving a very small amount, if any, to be discarded. There is a slim possibility -- as yet unsubstantiated -- that empty drums of the solvent used in the degreasing operation were placed in the silos. However, we have been unable to establish that with any degree of certainty, and believe it is likely that those bung-top drums were returned to the manufacturer for a deposit.

You have advised that, because of TCE contamination, the silo area may be recommended for placement on Missouri's Registry of Abandoned or Uncontrolled Hazardous Waste Sites. If the silos are recommended for placement on the Registry, we will appeal that recommendation with a view to entering a Consent Agreement concerning cleanup of the site. You also advised that DNR had determined that cleanup of the silo and other areas would be under the direction of either the Superfund Section or the Lab Services Program rather than the Hazardous Waste Section. By copy of this letter, I am advising John Doyle of this and, if he disagrees, I request that he notify me immediately.

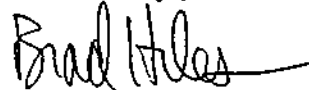
Finally, you had asked for us to designate a contact person at Detroit Tool for the dissemination of information. For now, I recommend that all your correspondence with Detroit Tool be directed to my attention with a copy to Nick Gladding of Bryan, Cave, McPheeters & McRoberts. I will insure that your correspondence is disseminated to Don McQueen and the appropriate Company representatives.

PEPER MARTIN JENSEN MAICHEL AND HETLAGE

Mr Jim Belcher
February 20, 1990
Page Three

Again, Jim, we thank you for meeting with us last week. We look forward to moving ahead with a Workplan for your review. In the meantime, though, if you have any questions concerning any of the items discussed in this letter, please do not hesitate to contact me.

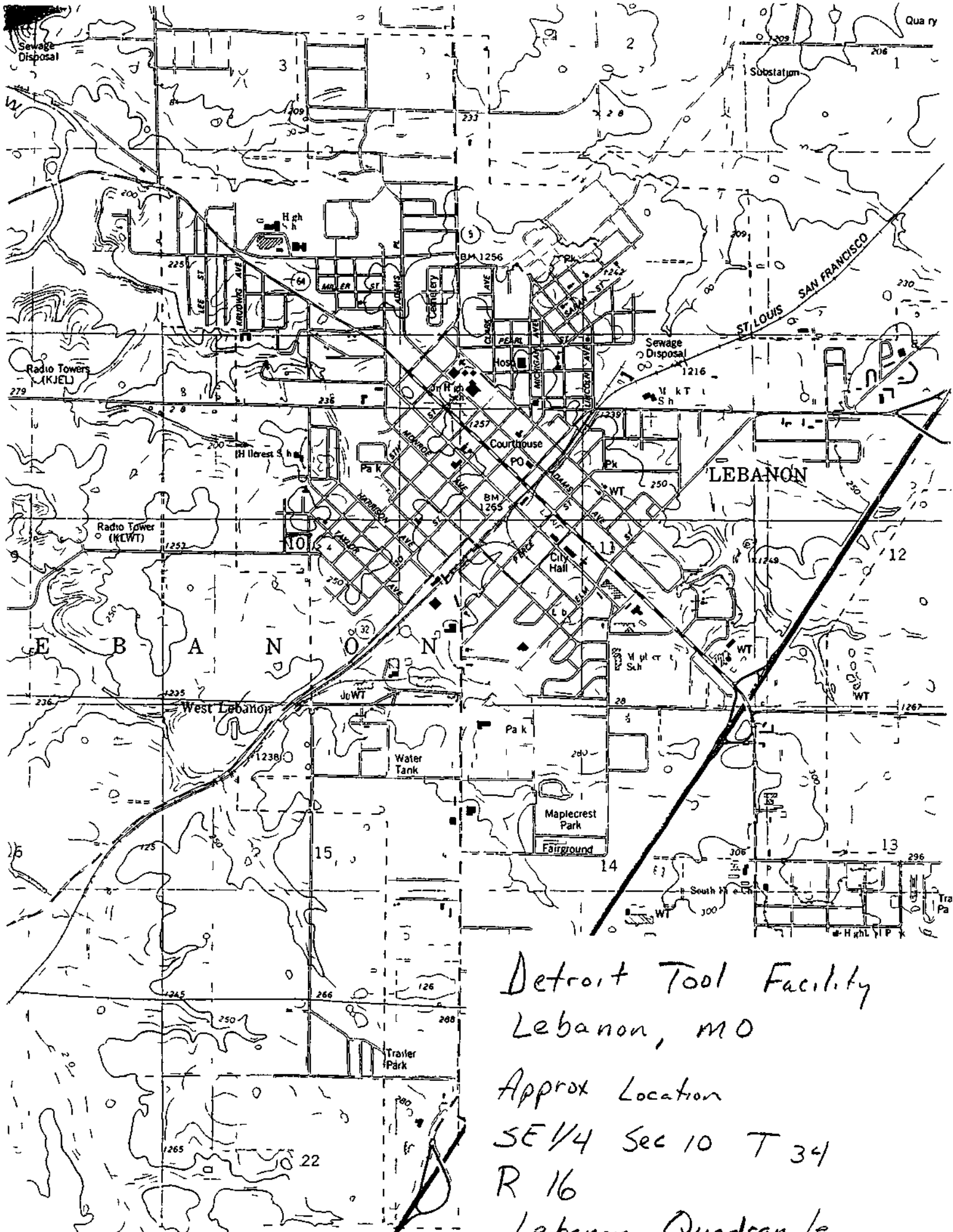
Sincerely,

A handwritten signature in dark ink, appearing to read "Brad Hiles", with a long horizontal flourish extending to the right.

Bradley S Hiles

BSH/bkw

cc Mr John Doyle
Mr David Wessell
Senator John T Russell
Mr Donald J McQueen
Mr Nicholas A Gladding



Detroit Tool Facility
Lebanon, MO

Approx Location
SE 1/4 Sec 10 T 34
R 16
Lebanon Quadrangle

JOHN ASHCROFT
Governor

G TRACY MEHAN III
Director



Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation
and Historic Preservation

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MEMORANDUM

DATE October 31 1989

TO Detroit Tool File Laclede County

THROUGH Mr Jim Belcher Chief Planning and Pre-Remedial Unit
Superfund Section Waste Management Program *JB*

FROM *Kam* Mr Kevin Kelly Environmental Specialist
Waste Management Program Superfund Section

SUBJECT Registry Evaluation

A July 24 1989 Woodward-Clyde Consultant summary report submitted to the Missouri Department of Natural Resources by Detroit Tool was utilized as evidence in this registry evaluation

In the course of an environmental assessment pursuant to a transaction involving the sale of Detroit Tool several contaminants were found on Detroit Tool's property. Each property site suspected of any past waste activity was investigated by Detroit Tool. During the course of Woodward-Clyde's investigation nine different property areas were sampled and analyzed. The nine areas investigated are listed below:

- Railroad Pond'
Silo area
Bishop Building (underground storage tanks)
- Lagoon' area
Haystack area
- Drum Storage area
- Backfill' area
- Heat Treat Shop (offsite leased property)
- background levels

Individual Site Summaries

- 1 Railroad Pond area' - Fifteen samples were analyzed for various parameters in the Railroad Pond area. Chlordane was detected in the soil below 1 ppm; no other significant levels of contaminants were revealed in the soil or water.
- 2 Silo area - Four silos (trenches) are believed to be located in this disposal area. These silos were reportedly used in the past for disposal of paint solids. The paint was placed in the silos in drums and in bulk along with trash. The report estimates that between 400

- and 1 100 drums may have been disposed in the silos between 1956 and 1979 At present this paint sludge waste stream is regulated and disposed as a RCRA hazardous waste (see attached RCRA hazardous waste generator form) Ten borings were drilled in the silo area with three boring/wells A total of 52 samples were analyzed for various parameters Shallow groundwater samples show elevated levels of organics Trichloroethene (TCE) was detected in the water at a level of 120 ppb The current MCL for TCE in the drinking water is 5 ppb (See the Registry candidate evaluation sheet for additional contaminant concentrations) TCE was also detected in the soil at a level of 230 ppb at a depth of 42 feet EP toxic analysis of the paint sludge tested below the RCRA hazardous limits
- 3 Bishop building Underground Storage Tank site - Two abandoned Underground storage tanks are located next to the northwest corner of the Bishop Building The tanks were reportedly installed in 1947 and contained heating oil When Detroit Tool acquired this property where the tanks are located in 1985 the tanks were out of service Detroit Tool backfilled the tanks with gravel after purchase and reportedly never used the tanks Core soil sampling results around the tanks revealed high levels of total hydrocarbons up to 830 ppm however presently these cannot be characterized as a RCRA hazardous waste
 - 4 Lagoon area - This lagoon area was operational from approximately 1956 to 1985 While active wastewater from a water-wash paint outspray capture system mixed with rainwater was discharged to the lagoon The lagoon was later backfilled with soil and gravel Eleven samples were analyzed from several soil borings implemented in the lagoon area No significant levels of contamination were revealed All contaminant levels were below previous Missouri Department of Health safe cleanup levels
 - 5 Haystack area - This area was formerly used to store a large pile of scrap metal shavings which were generated from metal cutting operations Two soil borings were drilled in the haystack area Sampling analysis of the soil did not reveal any significant levels of contamination
 - 6 Drum Storage' area - This area is used for storage of empty 55 gallon drums prior to removal off-site Six surface soil sample were collected in this area Analysis revealed elevated hydrocarbon concentrations of 29 000 and 41 000 ppm however these cannot be characterized as RCRA hazardous waste Other organics were also detected but at very low concentrations below 1 ppm
 - 7 Heat Treat Shop - This is an off-site facility leased by Detroit Tool The facility has two 1 000 gallon underground storage tanks located on the property one tank is currently in use containing diesel fuel Seven soil borings were implemented to determine if any leaks had occurred in the tanks Ten samples were analyzed for contamination No levels of significant contamination were revealed

- 8 'Back fill' area - This area was reportedly used by the City of Lebanon as a dump for rubble from the demolition of city streets. Eighteen soil samples from the fill and underlying soils were analyzed for hazardous waste. Laboratory analysis did not reveal the presence of hazardous waste. The fill appears to be limited to demolition debris.
- 9 Background samples - Three borings were placed at different areas of the Detroit Tool site to determine background levels. Analysis revealed typical background levels. A Mid-America Dairy well located adjacent to Detroit Tool was sampled. The water sample revealed no contamination.

Summary Over the past 30 years the Detroit Tool facility located in Lebanon Missouri has created several waste sites. However at the present time only the silo area reveals significant levels of contamination. The Woodward-Clyde sampling data reveals significant levels of shallow groundwater contamination in this area. Both Trichloroethene (TCE) and Vinyl chloride were detected at levels above the current drinking water Maximum Contaminant Levels (MCLs). Also of concern at the silo area is the TCE concentration of 230 ppb in the soil located at a depth of 48 feet. It is also estimated that approximately 400 - 1,100 drums of paint sludge may have been placed in this silo area between 1956 and 1979. Today Detroit Tool now ^{manages} ~~regulates~~ this paint sludge waste stream as a RCRA hazardous waste. Due to these high levels of contamination of waste found at this site both in the water and deep in the soil and due to the fact that bulk amounts of paint sludge were disposed in this area I recommend the Missouri Department of Natural Resources pursue registration of the silo property area.

KK sdh

Entered

PART II

Form HWG 1A HAZARDOUS WASTE REGISTRATION
MISSOURI DEPARTMENT OF NATURAL RESOURCES
P O Box 176, Jefferson City Missouri 65102



MISSOURI
GENERATOR I D NO
if assigned

HAZARDOUS WASTE INFORMATION

0.4482

A form shall be completed for each type of hazardous waste generated and shall be filed with the Department of Natural Resources

(Instructions Print in Black Ink or Typewrite)

Section A General Facility Information

1 Name DETROIT TOOL ENGINEERING COMPANY
2 Street P O Box 232
City Lebanon State Missouri Zip Code 65536
3 Sequential Waste Number 0001 Total Wastes Registered 2

Section B Hazard Classification

DNR Hazard Class (as defined in 10 CSR 25.4.010)

1 ☒ Toxic E P Number, 0007/D008 5 ☐ Listed Waste I D Number _____
2 ☐ Reactive D003 (Identification numbers for the toxic and listed wastes are in Sections 10 CSR 25.4.010 (5) & (6))
3 ☒ Ignitable D001
4 ☐ Corrosive D002 6 ☐ Other

Section C Generation Rate

1 A ☒ Continual Generation B ☐ Intermittent Generation C ☐ One time only generation
2 Average Generation Rate/Month if A or B above ± 500 Pounds /Month
3 Units (Circle One) Tons ☒ Pounds ☐ Cubic Yards Empty Containers 55-gal drum
(Give number & size above)

Section D

Description of Generation Process (Example K052 Tank Bottoms (leaded) from the petroleum refining industry)

Paint Sludge Generated from Waterfall
Overspray Paint Booth

3544-22

RECEIVED

OCT 28 1985

WASTE MANAGEMENT
p001p 11

Section E Composition

Composition List all the hazardous components of the waste and the concentration List all other major components by weight percentages

Major Components	(wt %)	Extraction Procedure Concentration (ppm)
1 Paint Sludge Solids	> 90%	
2 Water	< 5%	
3 Xylenes	< 2%	
4 Butyl acetate	< 2%	
5 Lead		> 5 mg/l
6 Chromium		> 5 mg/l
7		

Section F Physical Data

1 Physical State (Circle One)	<u>Solid</u>	Sludge Slurry Liquid Compressed gas
2 Appearance and Odor	<u>Dark Solid, Mild Odor</u>	
3 Solubility in water	<u>Slight</u>	7 % by weight of volatiles at 600°C ± 70-75%
4 Specific gravity (H ₂ O 1)	<u>1.0-1.2</u>	8 Boiling Point (°C)
5 Vapor density (Air 1)		9 pH <u>Not Aqueous - pH Not Defined</u>
6 % by weight of volatiles at 100°C	<u>± 45-55%</u>	

Section G Fire and Explosion Data

1 Flashpoint (circle one if applicable)	<u>Pensky Martens closed cup tester ASTM std D 93 77 or setafish closed tester method ASTM std D 3278 73</u>	
2 Extinguish Media	a <input checked="" type="checkbox"/> dry chemical	b <input checked="" type="checkbox"/> CO ₂ c <input checked="" type="checkbox"/> alcohol foam
	d <input type="checkbox"/> water fog	e <input type="checkbox"/> water spray
	f <input type="checkbox"/> other specify <u>Water may be ineffective, but fog or spray may be used to cool closed containers.</u>	

Section H Health Hazard Data

1 Effects of over exposure	<u>Irritating to respiratory tract May cause dizziness, unconsciousness or coma.</u>	
2 Emergency and First Aid procedure		
Skin	<u>Wash with soap and water</u>	
Eyes	<u>Flush with running water for at least 15 minutes.</u>	
	<u>Get medical attention</u>	
Breathing	<u>Remove to fresh air</u>	

** Solid Material - Flash Point Protocol Not Defined, But Heating May Cause Evolution of Ignitable Vapors

Section I

Reactivity Data

1	Stability	Unstable	X X	Conditions to avoid
		Stable		Heat, sparks and open flame
2	Incompatibility (materials to avoid)			Strong oxidizing agents, such as permanganates
3	Hazardous Polymerization	May Occur	X X	Conditions to avoid
		May Not Occur		None known

Section J

Spill or Leak Procedures

Steps to be taken in case material is released

Remove all sources of ignition Avoid breathing vapors
Ventilate area Remove with inert absorbents Use non-sparking tools

Section K

Special Protection Information

- 1 Respiratory Protection (specific type)
Ventilation - Mechanical & Local Exhaust
- 2 Protective gloves
Neoprene or solvent resistant rubber
- 3 Eye Protection
Safety Goggles
- 4 Special Clothing (specify type)
None specifically recommended
- 5 Precautions to be taken in handling and storing
Do not store above 120°F Do not flame cut, braze, or weld container
- 6 Other Precautions
- 7 24 hour emergency phone number

Section L

Containerization

Specify appropriate DOT containers labels and placards required for transportation

Re-useable Metal Drums, 55-gallon - DOT # 17 E

Proper D O T Name Flammable Solid, n o s
Hazard Class Flammable Solid
Identification No UN 1325

Section M Transportation

1 Type of vehicle a ☒ Tractor trailer d ☐ Flatbed
b ☐ Roll off/Lugger e ☐ Tank truck
c ☐ Dump truck (with cover) f ☐ Other _____
2 Estimated Number of shipments per year One or more
3 Transporter's name Diaz Refinery, Inc
4 Address Van Dyke Road, P.O. Box 230 Diaz, Arkansas 72043
Street City State Zip Code
5 Telephone number 501 - 523 - 3779
County

Section N Disposal or Treatment Method

	on site	off site		on site	off site
1 a incineration	<input type="checkbox"/>	<input type="checkbox"/>	f landfarm	<input type="checkbox"/>	<input type="checkbox"/>
b storage	<input type="checkbox"/>	<input type="checkbox"/>	g waste pile	<input type="checkbox"/>	<input type="checkbox"/>
c surface impoundment	<input type="checkbox"/>	<input type="checkbox"/>	h resource recovery	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d treatment	<input type="checkbox"/>	<input type="checkbox"/>	i sewer		
e landfill	<input type="checkbox"/>	<input type="checkbox"/>	j deep well		

2 Is the generator site classified as a hazardous waste facility in accordance with 40 CFR 261.77
☐ Yes ☒ No

Disposal or treatment facility The name of the facility where this waste is being managed

3 Name Diaz Refinery, Inc
4 Address Van Dyke Road P O Box 230 Diaz, Arkansas 72043
Street City State Zip Code

Section O Confidentiality HH-HR

1 Please keep the information on this specific waste confidential

☐ Yes ☒ No

2 If yes is checked above a justification for claiming confidentiality must be submitted in accordance with Section 260.430 of the Missouri Hazardous Waste Management Law

October 24, 1985

DATE

Dallas Vernon
SIGNATURE
Dallas Vernon, President